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OGC Has Reviewed

6 June 1952

MEMORANDUM FOR: Deputy Director (Administration)

SUBJECT: Home Leave Accrual for Personnel on Foreign Duty

1. Reference is made to the attached dispatch from [] to the DCI, dated 26 May 1952, same subject as above. The dispatch points out that recent leave regulations received in [] included no provision for the accrual of home leave for CIA personnel despite the enactment of Public Law 233 known as the Annual and Sick Leave Act of 1951. [] feels that the omission is a disturbing morale problem and requests that the regulations be amended to provide for such home leave retroactive to 6 January 1952, the effective date of P. L. 233.

2. It should be pointed out that this type of home leave accrual is a matter of statutory authorization not within the regulatory discretion of the Agency. P. L. 233 specifically authorizes for employees in the foreign service of the United States under the Department of State granting of leave of absence without regard to any other leave for use in the United States at a rate equivalent to one week for each four months of service abroad. Further, such leave may be accumulated without regard to any limitations. However, this type of leave which is not used cannot be made the basis for any lump sum payment. The Foreign Service alone is the subject of this specific exception to the general terms of the leave act and if CIA wishes to secure the same benefits it is our opinion that it must be done by securing legislative action.

3. In connection with maximum accumulation of annual leave, P. L. 233 in general limits the accumulation to 60 days except for those persons who are stationed outside the United States. There is an exception to this latter provision in the case of Foreign Service personnel since they are authorized the additional accrual of home leave, their accumulation of annual leave is limited to the maximum of 60 days.

4. The subject of home leave accrual was included in a memorandum, dated 4 December 1951, to the Assistant Director for Personnel from the Legislative Counsel. It was suggested therein that the Career Service Committee might wish to examine the problem to determine the desirability of securing legislation for CIA. The Working Group on Career Benefits

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in its final report to the Career Service Committee recommended in general terms that an appropriate and adequate leave system for all overseas employees should be an objective of the Career Service Program.

5. It is our understanding that a staff study being prepared by the Office of Personnel on another subject has included in it a further recommendation that the home leave benefits applicable to Foreign Service be secured for CIA employees by requesting the enactment of appropriate legislation.


6. The attached table showing the annual leave situation effective 6 January 1952 is inaccurate in two respects.

a. The home leave accrual for overseas service with the State Department is not fifteen days per annum but is one week for each four months service.

b. The carry-over of leave at the end of the calendar year for the State Department is not 90 days plus home leave but is 60 days plus home leave and the latter may be accumulated without any limitations.

7. The above can be construed as an interim report on the subject and a further study on this general subject will be forthcoming including specific proposals and regulations for securing legislative action.

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Deputy General Counsel

OGC/JSW:kr

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